

Good Advertisements Are Good for Business

Advertisers need to be conscious of how they advertise for jobs or housing in order to avoid violating anti-discrimination laws. The following guidelines will help you determine what language is appropriate to use in your advertisements.

Generally, it is unlawful to indicate any preference or restriction based on race, color, religion, sex, national origin, age, disability, familial status, marital status, arrest record, height, or weight.

Advertising that you provide equal opportunity to your market encourages applications from a wide range of candidates, which is always beneficial to an employer or landlord.

It is good for business to include people of color, women, and people with disabilities in visual and audio ads, particularly in non-traditional roles.

Advertisements may be offensive if they

- mimic accents
- portray negative stereotypes of racial or ethnic groups
- portray individuals who are scantily clad or provocatively dressed.

Special Advertising Circumstances

You may be able to advertise for an employee of a particular sex, religion, national origin, height, weight, marital status, or age if it is reasonably necessary for the normal operation of your business. This is called a “bona fide occupational qualification.”

For example, an employer might be able to advertise for a “female attendant for a ladies’ restroom.”

Note that race or color can never be a bona fide occupational qualification. An employer may apply to the Michigan Civil Rights Commission for approval of a bona fide occupational qualification prior to its use. For more information on the approval process, please call 1-800-482-3604.

Also, certain employers may have legal obligations to advertise that they are “affirmative action” employers. Your legal counsel will be able to advise you if this applies to your situation.

Toll Free:
1-800-482-3604
TDD Users:
313/961-1552
Web Site
www.mdcr.com

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HELP WANTED

SUGGESTIONS FOR PREPARING NON-DISCRIMINATORY ADVERTISEMENTS



You Cannot Use...	Because...	You Can Use...	Positive Example
EMPLOYMENT			
"Help wanted male" "Opportunity for career woman"	The U.S. Civil Rights Act of 1964 (Title VII) and the Elliott-Larsen Civil Rights Act prohibit discrimination based on sex .	Language that does not specify men or women.	"Flight Attendant" "Salesperson" "Wait Staff/Server"
"Whites only" "U.S. citizens only"	The U.S. Civil Rights Act of 1964 (Title VII) and the Elliott-Larsen Civil Rights Act prohibit discrimination based on race, color, or national origin .	Language that does not refer to race, color, ethnicity, or ancestry.	"Minorities, women, and persons with disabilities welcome to apply"
"Supplement your retirement income" "Young person/mature person wanted" "College student" "Recent college graduate"	The Elliott-Larsen Civil Rights Act and the Age Discrimination in Employment Act prohibit discrimination based on age .	Age neutral language. Language that refers to advantages of the job.	"Wanted: Individuals of all ages" "Excellent source of income for retirees/students"
"Able-bodied" "Strong workers" "Must pass physical"	The Americans with Disabilities Act (ADA) and the Michigan Persons With Disabilities Act prohibit discrimination based on disability .	Language that describes job requirements, or that employment is conditional upon passing appropriate tests.*	"Employment subject to passing job-related physical exam." "Job involves lifting 50- pound boxes"
"Single individual" "Slender build" "Weight proportional to height"	The Elliott-Larsen Civil Rights Act prohibits discrimination based on height, weight, and marital status .	Language that describes job duties rather than physical appearance or marital status.	"Job involves climbing ladders." "Job requires frequent overnight travel."
"Clean shaven" (May exclude members of certain religions or races.)	U.S. Civil Rights Act of 1964 (Title VII) and the Elliott-Larsen Civil Rights Act prohibit discrimination against persons because of religion .**	"Saturday/Sunday availability required."	"Job duties include teaching classes in Christian religious doctrine."
HOUSING			
"Adults only" "No children" "Married couple"	Fair Housing Act (Title VIII), the Elliott-Larsen Civil Rights Act, and the Persons With Disabilities Act prohibit discrimination against persons because of race, color, religion, national origin, sex, age, marital and familial status, or disability in the sale or rental of property .	Language that refers to: credit worthiness, rental history, designated senior citizen housing (age 50 & over). Display ads that reflect diversity.	"Now accepting applications." "Equal Housing Opportunity" or "We encourage and support an affirmative marketing and advertising program in which there are no barriers to obtaining housing because of race, color, religion, sex, disability, familial status, or national origin"

*Federal and state laws specifically limit pre-employment health inquiries and testing requirements. Consult legal counsel for advice regarding how to comply with these laws.

**Title VII allows some religious employers to give preference to members of their own religion.